

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and  
STEINER ASSOCIATES, LLC,

Plaintiffs,

V.

EBAY INC., et al.

Defendants.

Case No.: 1:21-cv-11181-PBS

**DEFENDANT STEVE WYMER'S  
MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, defendant Steve Wymer through his undersigned counsel, respectfully requests that this Court dismiss the First Amended Complaint filed by Ina Steiner, David Steiner, and Steiner Associates, LLC (the “FAC”) as to all claims alleged against him. Those claims include counts alleging Intentional Infliction of Emotional Distress (Count I); Stalking (Count II); Negligent Infliction of Emotional Distress (Count III); Negligence (Count IV); Assault (Count VIII); Violation of M.G.L. Ch. 93A § 11 (Count IX); Defamation (Count X); Trespass (Count XI); False Imprisonment (Count XII); and Civil Conspiracy (Count XIII).

For the reasons set forth in the accompanying memorandum of law, Mr. Wymer moves to dismiss all claims asserted against him in the FAC on the ground that Plaintiffs fail to state any claim against him for which relief can be granted.

**REQUEST FOR ORAL ARGUMENT**

Mr. Wymer respectfully requests a hearing on this motion at the Court's earliest convenience.

Dated: April 21, 2023

Respectfully submitted,

STEVE WYMER,

By his Attorneys,

**/s/ Caz Hashemi**

Caz Hashemi, Esq. (*pro hac vice*)

WILSON SONSINI GOODRICH & ROSATI P.C.

650 Page Mill Road

Palo Alto, CA 94304

(650) 493-9300

chashemi@wsgr.com

Michael J. Pineault, Esq.

Mass. Bar. No. 555314

ANDERSON & KREIGER LLP

50 Milk Street, 21st Floor

Boston, MA 02109

(617) 621-6578

mpineault@andersonkreiger.com

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)**

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel certifies that counsel for Mr. Wymer conferred with counsel for Plaintiffs regarding this motion. No agreement was reached on the relief sought by Mr. Wymer in this motion, which Plaintiffs intend to oppose.

Dated: April 21, 2023

/s/ Michael J. Pineault  
Michael J. Pineault

**CERTIFICATE OF SERVICE**

I hereby certify that on April 21, 2023, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: April 21, 2023

/s/ Michael J. Pineault  
Michael J. Pineault